

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DENNIS DIMON,

Plaintiff,

VS.

**METROPOLITAN LIFE
INSURANCE COMPANY, KEMPER
INSURANCE COMPANY,
MORGAN STANLEY DW, INC.,
MICHAEL B. LATTI, LATTI
ASSOCIATES, and LATTI &
ANDERSON LLP,**

Defendants.

C. A. No: 05-11073 MEL

**DEFENDANT, METROPOLITAN LIFE INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Defendant, Metropolitan Life Insurance Company (hereinafter the "MetLife"), moves for summary judgment pursuant to Fed. R. Civ. P. 56.

As grounds for its motion, MetLife states (as more fully set forth in the attached Memorandum of Law In Support of this Motion and Statement of Undisputed Material Facts) that Plaintiff brought suit against, *inter alia*, MetLife alleging breach of contract and negligent misrepresentation. MetLife denies that it breached any contract with Plaintiff or that it misrepresented, negligently or otherwise, any term of the contract to Plaintiff.

As set forth in the attached Memorandum, summary judgment should be granted in favor of MetLife because the Plaintiff failed to bring suit within the repose period provided for in M.G.L. c. 175, § 181. Alternatively, MetLife asserts that it is entitled to summary judgment based on the applicable limitation of action periods contained in M.G.L. c. 175, § 181, M.G.L. c. 260, § 2 and § 2A. Plaintiff's complaint was untimely and therefore summary judgment should be entered in favor of MetLife and against Dennis Dimon.

WHEREFORE, Defendant, Metropolitan Life Insurance Company, respectfully requests that all claims against it be dismissed with prejudice and with fees and costs levied against Plaintiff.

Respectfully submitted by,
METROPOLITAN LIFE INSURANCE
COMPANY,
By its Attorneys,

/s/ James J. Ciapciak
James J. Ciapciak, BBO #: 552328
Peter M. LeBlanc, BBO # 645302
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LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that on December 29, 2006, I contacted Plaintiff's counsel and we conferred and attempted in good faith to resolve or narrow the issues pursuant to L.R. 7.1(A)(2).

/s/ James J. Ciapciak
James J. Ciapciak

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on January 2, 2007.

/s/ James J. Ciapciak

James J. Ciapciak